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Application granted. On April 5, 2021, the Court received notice that defendant American Venture Construction LLC filed a Chapter 11 Voluntary Petition for Bankruptcy in the United States Bankruptcy Court for the District of New Jersey (see In re American Venture Construction LLC, No. 21-12650-VFP (Bankr. N.D. N.J.).

Accordingly, it is hereby ORDERED that all claims against defendant American Venture Construction LLC are stayed pursuant to 11 U.S.C. § 362. By 8/3/2021, and every 120 days thereafter, plaintiffs shall update the Court regarding the status of the bankruptcy proceeding. As defendant Alan Francisco does not appear to be in bankruptcy, the Court sees no reason to stay the action as against that defendant.

SO ORDERED.


Philip M. Halpern
United States District Judge

Dated: White Plains, New York
April 6, 2021

Re: Trustees of the District Council 9 et al., v. American Venture Construction LLC et al.
Docket No. 21-cv-1012 (PMH)

Dear Honorable Judge Halpern:

We represent the Plaintiffs in the above referenced matter.

We recently received a Notice of Petition in the United States Bankruptcy Court District of New Jersey under Chapter 11 bearing Case Number 21-12650 filed by the Defendant, American Venture Construction LLC.

Accordingly, Plaintiffs respectfully request that the above action with respect to defendant American Venture Construction LLC be stayed or placed on an inactive status pending the final outcome of the pending bankruptcy proceeding with leave for Plaintiffs to re-open the matter upon written request if the bankruptcy case is dismissed. If the debt is discharged or the debt becomes part of a plan of reorganization "So Ordered" in Bankruptcy Court, Plaintiffs will file a voluntary notice of dismissal. In the action against the Defendant Alan Francisco, Plaintiffs respectfully request that this case not be stayed since we are not aware of any Bankruptcy Petition filed by this Defendant.

Thank you for your assistance and courtesies.

Sincerely,


Dana L. Henke

Dana L. Henke

cc: Karen M. Hertz, Esq., karen@hertzlegal.com, Attorney for the Defendants
Andre L. Kydala, Esq., kydalalaw@aim.com, Attorney for the Bankruptcy Debtor

